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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,364	11/02/2000	Joseph M. Iglesias	ROYCE-66837	4745

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EXAMINER

BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/704,364	<b>Applicant(s)</b> IGLESIAS ET AL.	
	<b>Examiner</b> Michael Brown	<b>Art Unit</b> 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-55, 60-69, 77-81 and 84-95 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55, 60-69, 77-81 and 84-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

Note: A final search of this application provided references that were used to reject the same claims recited in the present invention that were recited in a PCT Application. Thus, this rejection was made

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 14-15, 34-35, 38-42, 44-48, 55, 60-62, 67 and 84 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wasserman '784.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 10-13, 43, 45 49-50, 53-54 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasserman in view of Lee.

Wasserman discloses in figures 1-8 a versatile wrist support, substantially as claimed. However, Wasserman doesn't disclose a stay portion, the molded plastic exostructure being two parts, the inner fabric attached by direct molding, an adjustable forearm strap, a closure strap. Lee teaches in figure 5 a wrist support comprising a stay

portion 50, a two-piece support (15, 17) that is attached together by a fastener (52, 513), an adjustable forearm strap 11, and a closure strap 12. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the wrist support disclosed by Wasserman could be fabricated as a first and second piece as taught by Lee. The stay would add rigidity to the support. The forearm adjustable strap and the closure strap would hold the support onto the user's wrist. It is well known in the surgical art to mold a plastic sheet to a fabric sheet to form a wrist support. Making the edges of the plastic material softer doesn't involve an inventive step. It is old and well known to substitute a Velcro fastener for a screw type fastener.

Claims 8-9, 16-33, 34, 36-37, 47, 51-52, 63-67, 77-81 and 92-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasserman in view of Lee along with Gray.

Wasserman discloses in figures 1-8 a wrist support, substantially as claimed. However, Wasserman doesn't disclose the plastic being of different densities, non-uniform thickness, a separate stay, the support being two pieces. Lee teaches in figure 5 a wrist support having two separate pieces that are connected by a connector, as set forth immediately above. Gray teaches col. 7, lines 15-67 a wrist support having different densities (non-uniform thicknesses) (col. 7, lines 45-47) and separate stays (col. 7, lines 64-65) for adding rigidity to the wrist support. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the wrist support disclosed by Wasserman could be fabricated of two pieces fasten together with a connector as taught by Lee. The wrist support could also be fabricated with

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various thicknesses (non-uniform thickness) to increase resistance of movement of the wrist on the support. It is old and well known that stays can be made of the various material recited in the claims.

Claims 68-69 and 84-90 rejected under 35 U.S.C. 103(a) as being unpatentable over Wasserman in view of Szelma.

Wasserman discloses in figures 1-8 a wrist support, substantially as claimed. However, Wasserman doesn't disclose a volar plate and a dorsal plate. Szelma teaches in figures 1-19 and col. 7, lines 14 – col. 8, line 27 a wrist support comprising a volar and dorsal plate (10, 10b). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the volar and dorsal plates as taught by Szelma could be incorporated into the wrist splint disclosed by Wasserman in order to provide support on the top and in the palm of the hand. It is old and well known to use various types of fasteners in the surgical art (s –shaped fastener).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. No additional prior art was cited during this office action.

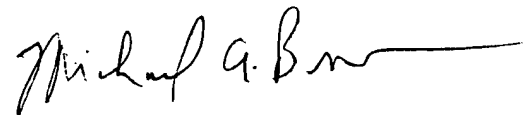
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Brown  
June 27, 2005

A handwritten signature in black ink, appearing to read "Michael A. Brown", with a long horizontal flourish extending to the right.

**MICHAEL A. BROWN**  
**PRIMARY EXAMINER**